

DOUBLE JEOPARDY

A Report on Training and Educational Programs for
New Hampshire's Female Offenders

Prepared by the New Hampshire Commission on the Status of Women

Executive Summary

Twenty years after the Fiandaca suit established the New Hampshire State Prison for Women, the State has not fulfilled its obligation to provide equal treatment and access to services for female offenders.

Twenty Years and Counting . . .

During the summer of 2003, consultants from the National Institute of Corrections (NIC) evaluated the NHDOC system in its entirety in addressing the needs of female offenders. In its findings, published in November 2003, NIC consultants explicitly point to the legal vulnerability of the state in its treatment of and provisions for female offenders:

The New Hampshire Department of Corrections is at a critical point in planning for and managing the state's female offender population. The history of managing this population includes a 1992 lawsuit (Civil Action No. c-83-400-L), which directed the state to house women offenders in a facility separated from men offenders. The state was further mandated to provide parity between women's and men's programs in those separate facilities. ***During this technical assistance site visit, there was little evidence that the key components of the lawsuit were consistently embraced during this last decade.***

Throughout the report, NIC consultants identify specific examples of ***the state's non-compliance in providing "even minimal housing, programming, and services to the [female] inmate population."*** The consultants emphasize ***"very limiting conditions create a myriad of potential management concerns and potential legal liability."***

Double Jeopardy: The True Cost of Incarcerating Women.

Lack of adequate, gender-responsive programs and services results in a "cycle of incarceration" for women offenders and a "double jeopardy" for incarcerated mothers, further disrupting families and adding exorbitant cost to the State.

Incarceration is expensive. In 2003, NHDOC reported spending \$23,938 per year per female inmate. National studies show that a state pays \$25,000 per year for every child put into foster care while a parent is in prison. The average incarcerated woman in New Hampshire has 2.5 children; her average sentence is 2.5 years. As the rate of recidivism for the state is 50%, it is likely the state will repeat this cost more than once.

The large majority of female inmates are low-risk, non-violent offenders. They occupy expensive prison space better reserved for violent offenders who pose a clear and present danger to public safety. Additionally, without effective rehabilitation, inmates released into the community present the same risk as before their incarceration and maintain the same motivations—addiction, mental illness, poverty—to commit crime again.

The Current Conditions: "Women as an Afterthought."

In the words of NIC consultants, NHDOC responds to "women as an afterthought," even while the national rate of female incarceration is growing at twice the rate as that of males. Indeed, our findings demonstrate an absence of adequate resources and gender-responsive planning for the provision of educational and training programs, along with other vital services, to the women incarcerated in the State. As a result, female inmates are denied meaningful opportunity to secure the skills necessary for successful reentry into the community and positive reunification with children.

- ▶ NHSP/W provides no state-funded life skill programs, no state-funded industry program, limited in-house and off-site work opportunities, and a single vocational program, Office Occupations, which prepares female inmates upon release for low-wage employment in low-level clerical work.
- ▶ Such lack of programming fails to address characteristics unique to female offenders, including high instances of abuse, mental illness, and addiction. These characteristics make female offenders quite distinct from their male counterparts and call for gender-appropriate treatment and management strategies.
- ▶ Such lack of programming neglects to address the economic realities of women offenders, the large majority of whom are sole providers for multiple children upon release. Inadequate planning for and understanding of the gender-specific needs of female offenders results in limited earning capacity both within and outside of prison, adverse economic disruption of entire families, an increased likelihood of recidivism, and a greater risk of intergenerational incarceration.
- ▶ Such lack of programming neglects to capitalize upon the huge potential for treatment interventions while women are in the “safe haven” of state custody, free from abusive relationships, the influence of drugs and alcohol, and dysfunctional social networks. Female inmates overwhelmingly express an acceptance of their crime and a desire to rehabilitate. They are highly trainable, generally possessing a G.E.D. or high school diploma when they enter prison. And, as most are the sole providers of children upon release, they have strong incentive to succeed.

It's Time for a Change.

The current conditions of confinement for female offenders present an opportunity for the State to create a model program at NHSP/W on the use of gender-responsive approaches for the optimal management of state offenders. In contrast to the huge expense of current approaches to the incarceration of women, our recommendations cost ZERO dollars and yet can leverage positive, productive, and immediate change:

- ▶ Implement comprehensive data collection about female offenders as a foundation for targeting resources and building gender-responsive policy and practice. This first step involves understanding the profile of women offenders, their unique pathways to criminality, and their differential response to custody and supervision. Data collection must include information regarding the number, ages, and current custodial status of offenders' children.
- ▶ Formally establish a statewide planning initiative for the deliberate and gender-responsive management of women offenders as distinct from their male counterparts. Membership should represent all aspects of the criminal justice system, with an aim to most effectively incorporate gender-appropriate policies and procedures into the operational protocol of NHDOC for the management of female offenders.
- ▶ Develop strategies for gender-specific training for all NHDOC personnel working with women offenders for a more effective understanding of the needs of the state's female felons and a more targeted approach to resource and program development. Such training can be had free of charge through local organizations, video training modules, and no-cost NIC training resources.

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The New Hampshire Commission on the Status of Women (NHCSW) advocates on behalf of the diverse population of the state's women by identifying and seeking to remedy historical and institutional discrimination that act as social, political, and economic barriers to the full realization of women's basic rights.